

**Questions for the Commonwealth of Virginia  
Regarding an Outlying Landing Field (OLF)  
August 1, 2007**

1. What property acquisition/management authorities does the Commonwealth of Virginia have that might help with the Outlying Landing Field (OLF)? For instance, can (and would) the state consider acquisition of property around the OLF for compatible conservation purposes? Can the state purchase and then lease out property for compatible purposes (e.g., farming)? Can the state partner with conservation organizations (similar to the Department of Defense's Readiness and Environmental Protection Initiative (REPI) program) to acquire rights to property? Should the state consider legal authorities to support such activities?

*The Commonwealth has sufficient authority to acquire land and conservation easements to protect land around an OLF for compatible conservation purposes. Authority also exists to allow local governments and private conservation organizations to do so. The Commonwealth's ability to engage in such transactions will partially depend on the Navy's ability to provide funding to make the purchases. While it is possible for the Commonwealth to own land and lease it out for farming, this approach is not recommended. Land to be used for agriculture should be protected through conservation easements, not fee acquisition. The Commonwealth recommends that the Navy consider the use of conservation easements, such as are used in the Department of Defense's REPI program, rather than easements that would be owned by the Navy.*

2. What issues are associated with property currently owned or controlled by the Commonwealth of Virginia if that property falls within the OLF area? Does the state legislature need to pass a bill to transfer property if the Navy desires it? Must the property be sold at fair market value? What timelines are associated with the transfer process? Should legislation to expedite the process be considered?

*General Assembly approval is required for any transfer of lands owned or controlled by the Department of Conservation and Recreation. (Virginia Code § 10.1-109) There are additional restrictions on conveying lands protected for conservation purposes through public ownership or conservation easements. (Virginia Code § 10.1-1704). The Commonwealth does not recommend altering these provisions, as the protection they afford will likely benefit the protection of buffer lands surrounding an OLF.*

3. What authorities/funds exist to assist landowners with a transfer/purchase of property by the Navy? Will the state consider tax incentives to landowners losing property?

*Virginia has a very generous incentive for landowners who voluntarily donate land and conservation easements for qualified conservation purposes. Conveyances of land or easements directly to the Navy will not normally qualify for this incentive, however.*

4. Does the state have "land swap" authorities available to it that could be used to obtain private property in exchange for state property elsewhere?

*With few exceptions, acquisition of real estate by Commonwealth agencies requires approval by the General Assembly. Therefore, since land swaps have an acquisition component, they must be approved by the General Assembly. In addition, conveyances of property to non-governmental entities, absent specific General Assembly approval, must be conducted through competitive means.*

5. Will the state consider waiving legal requirements associated with land transfers and/or construction to support the OLF?

*This is an important project and we will see that it is handled thoroughly and promptly by all appropriate state agencies.*

6. What zoning authorities exist to protect the areas around the OLF? Has the state compared local zoning authorities between OLF sites or are such authorities consistent between localities? Can the state impose zoning restrictions over local authorities? Could zoning restrictions (or lack thereof) be employed to encourage landowners to leave existing property for other locations?

*The Commonwealth does not have authority to impose zoning restrictions—this authority rests entirely with localities.*

7. Will the state contribute funds to help purchase property for the OLF?

*This will partially depend upon funding of the Virginia Military Strategic Response Fund in the coming biennium. This grant fund does not contemplate providing money directly to a military service. However, in this instance, the fund will entertain applications from either a local government or non-governmental group which is non-profit (such as the Nature Conservancy) to help purchase development easements that would help to protect the proposed OLF. A grant award was made in June to the Nature Conservancy to assist in the Fort A.P. Hill compatible use buffer project. If funded, this grant program could benefit the proposed OLF in a similar fashion.*

8. Does the state/local groups expect payments in lieu of taxes from the Navy for OLF property? Will the Commonwealth of Virginia consider paying the Navy's payments in lieu of taxes costs to local communities?

*Federal property is not taxable by State and local governments. The Federal government does not provide payments in lieu of taxes to State and local governments. The issue of the Commonwealth of Virginia reimbursement is under discussion.*

9. What consideration for area noise impacts has the Navy and the Commonwealth of Virginia made? Will the Commonwealth of Virginia consider covering legal judgments awarded to impacted landowners?

*In order to mitigate noise-related impacts (as well as to promote compatible development and land use to protect the integrity of the OLF) the Navy will need to control a buffer area beyond the 2,000 acre core area (the airfield core area includes the 8,000 foot runway, air traffic control tower, support buildings, and land management around the airfield for flight safety and will be acquired through fee-simple purchase) to the approximate 60 decibel noise level noise contour through a combination of fee simple purchase and purchase of restrictive use easements. The total land*

*requirements for the core and buffer areas are estimated at approximately 30,000 acres out to the 60 decibel noise level noise contour. Residential use is not considered compatible within the greater than 65 decibel noise level noise zone and the Navy would purchase properties from willing sellers. Residents who wish to remain in their properties may do so under a restrictive use easement. As the site for an OLF would be in a rural area, local conditions warrant discussion of lower noise levels, so for the OLF, noise contours are provided to 60 decibel noise level. Residents in the 60 - 64 decibel noise level zone may elect to sell their property to the Navy if in the best interest of both the Navy and the property owner, or remain under a restrictive use easement. Aviation easements may also be considered.*

10. What involvement has the State Historic Preservation Office had in the OLF process? Do historic assets exist at any of the sites proposed, and if so, is the Commonwealth of Virginia committed to working with the State Historic Preservation Office to address the impact?

*The State Historic Preservation Office is currently reviewing the sites that have been proposed.*

11. What process does the Navy intend to follow to limit the impact of OLF acquisitions and operations on landowners and nearby residents? Will the Navy or the Commonwealth of Virginia support the movement of churches/schools and other public gathering areas to lesser-impacted areas? Will the Navy and/or the Commonwealth of Virginia fund noise-mitigating improvements to facilities impacted by OLF noise?

*As stated in the Draft Supplemental Environmental Impact Statement dated February 2007, the Navy will need to acquire a minimum of 2,000 acres for the airfield core area, which will include the 8,000 foot runway, air traffic control tower, support buildings, and land management around the airfield for flight safety. In order to mitigate noise-related impacts, promote compatible development and land use, and to protect the integrity of the OLF, the Navy will need to control a buffer area beyond the 2,000 acre core area to the approximate 60 decibel noise level noise contour through a combination of fee simple purchase and purchase of restrictive use easements. The total land requirements for the core and buffer areas are estimated at approximately 30,000 acres.*

*Residential properties, churches, schools, and other cultural, entertainment and recreational activities resulting in large public gatherings are not considered compatible within the airfield Clear Zones or Accident Potential Zones (greater than 75 decibel noise level noise zone). These properties would need to be acquired in fee-simple. In addition to purchase of the property, the Navy would provide for relocation costs as well. Churches and schools in the 65-74 decibel noise level noise zone would be considered compatible if a Noise Level Reduction of between 25 and 35 is incorporated into design and construction. While residential use is not considered compatible within the 65 – 74 decibel noise level noise zone, residents who wish to remain in their properties may do so under a restrictive use easement. The Navy would purchase properties from willing sellers. Residents in the 60 – 64 decibel noise level noise zone may elect to sell their property to the Navy if in the best interest of both the Navy and the property owner, or remain under a restrictive use easement.*

*In its examination of potential OLF sites, the presence and location of residences, churches, schools, cultural and historic sites, and other public assembly locations within the OLF site are key considerations in determining impacts.*

*The Navy does not fund noise-mitigating improvements to facilities impacted by aircraft noise. OPNAVINST 11010.36B provides information on compatible land use in noise zones.*

12. What sorts of development incentives can the Commonwealth of Virginia offer or establish? Could areas outside of OLF buffer areas be named business development zones and provided with business tax incentives, construction incentives, or other means of supporting business development?

*Depending on where the site was located, it might technically qualify for economic zone designation. At issue is that the Commonwealth is capped as to the number of zones. We have several expiring zones that could be new designations but it will have to be competitive. As a practical matter, it does not make sense to use an economic zone designation in a buffer zone unless there is a focused economic development strategy with sites served by infrastructure.*

13. Could the Navy and/or the Commonwealth of Virginia utilize the OLF site for compatible non-OLF activities? For instance, could areas at the OLF be used for a state/Navy firefighter training site? Could other areas be used for agricultural studies? Special Operations training? Aviation schools during non-Navy use? Aircraft maintenance training activities? Deployment training? Police training? Vehicle research, development, or testing? Are there any Commonwealth of Virginia activities seeking "homes" that might be placed at or near an OLF site to enhance its impact on the local community?

*As stated in the Draft Supplemental Environmental Impact Statement dated February 2007, the OLF must have a 24-hour, 7-day per week capability. However, given that the OLF would not be used all day, every day, the Navy would consider mutually beneficial partnering opportunities with the state or local communities on a not-to-interfere basis with Field Carrier Landing Practice operations to enhance the impact on the OLF on the local community.*

14. Does the Commonwealth of Virginia have job-related programs that might be applied to areas impacted by an OLF?

*The project does not meet the guidelines in terms of jobs and investment for any of the Virginia Economic Development Partnership's traditional incentives programs.*